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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,751	02/01/2000	Paul Ignatius	044463.0020	5252

7590 01/14/2005

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EXAMINER	
JACOBS, LASHONDA T	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/495,751	IGNATIUS ET AL.	
	Examiner	Art Unit	
	LaShonda T Jacobs	2157	

-- The MAILING DATE of this communication app ars on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10 and 15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This is a Final Office Action is in response to amendment filed on September 27, 2004. Claims 2 and 11-14 have been cancelled. Claims 1, 3-10 and 15-20 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1**, **3-10** and **15-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al (hereinafter, "Xu", 6,324,581) in view of Kimura.

As per claim **1**, Xu discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and
- a source data mover, communicatively coupled to at least one storage device to send the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- a process of analyzing whether to send the file (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

However, Xu does not explicitly disclose:

- sending the file in chunks.

Kimura discloses:

- sending the file in chunks (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **3**, Xu discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41);
- a source data mover, communicatively coupled to at least one storage device that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- a process of determining, according to characteristics of the file whether to send the file (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

Kimura discloses:

- sending file in chunks (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **4**, Xu discloses:

- the source data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and
- a process of determining, according to characteristics of the file whether to send the file (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

However, Xu does not explicitly disclose:

- sending file in chunks according to the file format.

Kimura discloses:

- sending file in chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54; col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **5**, Xu discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41);
- a source data mover, communicatively coupled to at least one storage device that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and
- a process of determining, according to characteristics of the file whether to send the file (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

However, Xu does not explicitly disclose:

- sending file to in chunks along with header information containing processing information regarding the chunks.

Kimura discloses:

- sending file to in chunks along with header information containing processing information regarding the chunks (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **6**, Xu discloses:

- the source data mover that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and
- the process of analyzing whether to send the file (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

However, Xu does not explicitly disclose:

- sending file in chunks along with header information according to the file format.

Kimura discloses:

- sending file in chunks along with header information according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim 7, Xu discloses:

- the source data mover that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and
- the process of analyzing whether to send the file (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

Kimura discloses:

- sending file in chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in

chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claims **8**, **15** and **18**, Xu discloses the invention substantially as claimed.

However, Xu does not explicitly disclose:

- wherein the file format comprises one or more of the groups consisting of text format, audio format and video format.

Kimura discloses:

- wherein the file format comprises one or more of the groups consisting of text format, audio format and video format (col. 5, lines 16-53 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claims **9**, **16** and **19**, Xu discloses:

- the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- stores chunks according to the file format.

Kimura discloses:

- stores chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

As per claims **10**, **17** and **20**, Xu discloses:

- the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and
- different storage locations (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- stores chunks according to the file format.

Kimura discloses:

- stores chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Kimura's teaching of a system and method for compression and decompression with the teachings of Xu, for the purpose of sending data in

chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-sized offset and length fields.

Response to Arguments

3. Applicant's arguments filed 1, 3-10 and 16-20 have been fully considered but they are not persuasive.

The Office notes the following arguments:

a. Applicants respectfully assert that the term "chunk" is well known in the art as is evidenced, for example, in its repeatedly use in the cited prior art reference to Kimura. A "chunk" includes "a section or fragment or segment or blocks of data" ass suggested in the Office Action but is not necessarily so limited.

b. Neither Xu nor Kimuara disclosed or suggested a source data mover, communicatively coupled to the at least one storage device, that analyses the file to determine whether to send the file to the destination data mover in chunks.

c. Neither Xu nor Kimuara disclosed or suggested a source data mover, communicatively coupled to the a least one storage device, for determining, according to characteristics of the file, whether to send the file to the destination data mover in chunks.

d. None of the cited sections in Kimura discuss determining whether to send the file in chunks based on the analysis or characteristics of the file as claimed in independent claims 1, 3 and 5.

In response to:

(a) and (b), Examiner accepts Applicants definition of a "chunk" as a block of data. Since the term "chunk" is well known in the art, a chunk and a file are the same "a block of data"

according to Applicants definition. However, Xu does disclose a source data mover, communicatively coupled to the at least one storage device (see Xu, Figure 2 and col. 8, lines 22-56), that analyses the file to determine whether to send the file to the destination data mover in chunks (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

(c), Examiner accepts Applicants definition of a "chunk" as a block of data. Since the term "chunk" is well known in the art, a chunk and a file are the same "a block of data" according to Applicants definition. However, Xu does disclose a source data mover, communicatively coupled to the at least one storage device (see Xu, Figure 2 and col. 8, lines 22-56), for determining, according to characteristics of the file, whether to send the file to the destination data mover in chunks (see Xu, Figure 5, col. 2, lines 18-67 and col. 13, lines 1-2; Xu discloses how to determine send the file to the requester).

(d), Kimuara does teach whether to send the file in chunks (see (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
January 4, 2004

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